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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,353 04/02/2001		Takamitsu Yamada	204979US2CONT 1604	
22850	7590 10/19/2004	EXAMINER		
,	PIVAK, MCCLELLANI	JUNTIMA, NITTAYA		
1940 DUKE ALEXANDF	STREET NA, VA 22314	ART UNIT	PAPER NUMBER	
	,		2663	
			DATE MAILED: 10/19/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Applica	tion No.	Applicant(s)				
Office Action Summary		09/822,	353	YAMADA ET AL.				
		Examin	er	Art Unit				
		Nittaya		2663				
Period fo	The MAILING DATE of this commun or Reply	nication appears on t	he cover sheet with the	e correspondence addre	:ss `			
THE - Exte after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD F MAILING DATE OF THIS COMMUN nsions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this come period for reply specified above is less than thirty (2) period for reply is specified above, the maximum so the toreply within the set or extended period for reply reply received by the Office later than three months ed patent term adjustment. See 37 CFR 1.704(b).	IICATION. s of 37 CFR 1.136(a). In no munication. 30) days, a reply within the statutory period will apply and y will, by statute, cause the a	event, however, may a reply be tatutory minimum of thirty (30) of will expire SIX (6) MONTHS fro pplication to become ABANDO	timely filed days will be considered timely. om the mailing date of this comm	nunication.			
Status								
1)🖂	Responsive to communication(s) file	ed on 4/2/2001.						
	-							
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims							
5)□ 6)⊠ 7)□	Claim(s) 1-30 is/are pending in the 4a) Of the above claim(s) is/a Claim(s) is/are allowed. Claim(s) 1-30 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restri	are withdrawn from c						
Applicati	ion Papers							
10)⊠	The specification is objected to by the The drawing(s) filed on <u>02 April 200</u> Applicant may not request that any objected the oath or declaration is objected the specification is objected to be the specification is objected to by the specification is objected to be specification in the specification in the specification is objected to be specification in the specification in the specification is objected to be specification.	<u>1</u> is/are: a) ☐ accept ection to the drawing(s g the correction is requ) be held in abeyance. Suired if the drawing(s) is	See 37 CFR 1.85(a). objected to. See 37 CFR	• •			
	under 35 U.S.C. § 119							
12)⊠ a)l	Acknowledgment is made of a claim All b) Some * c) None of: 1. Certified copies of the priority 2. Certified copies of the priority 3. Copies of the certified copies application from the Internation	documents have be documents have be of the priority docur onal Bureau (PCT R	een received. een received in Applic nents have been rece ule 17.2(a)).	ation No ived in this National Sta	age			
Attachmen	t(s)							
1) X Notic 2) Notic 3) Inform	te of References Cited (PTO-892) se of Draftsperson's Patent Drawing Review (I mation Disclosure Statement(s) (PTO-1449 or r No(s)/Mail Date 5/15/2001.	PTO-948) PTO/SB/08)	4) Interview Summa Paper No(s)/Mail 5) Notice of Informa 6) Other:		52)			

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DETAILED ACTION

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Drawings

1. Figures 17-19 should be designated by a legend such as -- Prior Art-- because only that

which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37

CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37

CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not

accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 9, and 23 are objected to because of the following informalities:

- in claim 1, 11 5, "packets" should be changed to "packet" to agree with "the erroneous

packet" in ll 8 of the claim;

- in claim 9, 115, "packets" should be changed to "packet" to agree with "the erroneous

packet" in ll 9 of the claim;

- in claim 23, ll 8, "packets" should be changed to "packet" to agree with "the

erroneous packet" in ll 13 of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) In claims 1, 9, the phrase "multiplexed by plurality" in ll 5 of the claims is vague and indefinite. It cannot be determined plurality of what that the reception packet was multiplexed by. The office is treating this phrase as "multiplexed by plurality of codes."
- b) In claim 3, the limitation "generates a retransmission request signal.....according to the retransmission multiplex number" in ll 11-16 of the claim is vague and indefinite. It cannot be determined as how the mobile communication terminal would generate a retransmission request signal and extracts the retransmission multiplex number from the received retransmission request signal. Therefore, the claim is vague and indefinite.
- c) In addition, the following claims recites the limitation that lacks antecedent basis.
 - in claim 1, 11 2, "the spread ALOHA system;"
 - in claim 3, 11 9, "the multiplex number;"
 - in claim 4, ll 16, "the multiplex number;"
 - in claim 7, 11 8-9, "the multiplex number;"
 - in claim 8, ll 15, "the multiplex number;"
 - in claim 9, ll 2, "the spread ALOHA system;"
 - in claim 13, ll 5, "the multiplex number;"
 - in claim 14, ll 7-8, "the multiplex number;"

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- in claim 16, ll 2, "the spread ALOHA system;"
- in claim 19, ll 2, "the uplink interference;"

 ll 6, "the multiplex number:"
- in claim 20, ll 2-3, "the uplink interference;"

 ll 11, "the multiplex number;"
- in claim 22, ll 3-4, "the probability;"

 ll 8, "the multiplex number;"
- in claim 23, ll 4, "the spread ALOHA system;"
- in claim 25, ll 16, "the multiplex number;"
- in claim 26, ll 16-17, "the multiplex number;"
- in claim 28, ll 8-9, "the multiplex number;"
- in claim 29, 11 9-10, "the multiplex number;"
- in claim 30, ll 16, "the multiplex number."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- 5. Claim 16 is rejected under 35 U.S.C. 102(a) as being anticipated by an art of record (English translation of Japanese Patent Laid-open No. HEI 10-233758 A).

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Per claim 16, the art of record teaches (Fig. 1) a mobile communication terminal (a radio communication device) for carrying out a packet transmission based on the spread ALOHA system (page 1, Il 7-10), wherein the mobile communication terminal (a radio communication device) outputs multiplexed transmission data (M-multiplexed signal of data of L-symbol) as a transmission packet during a normal transmission (page 1, ll 11-15 and page 12, ll 11-page 13, ll 1-4), (a second series-parallel conversion circuit 8) automatically divides the transmission data (data of L-symbol) into parallel signals (the parallel signals) according to a retransmission multiplex number (M') determined based on the retransmission request signal (a request for retransmission, page 2, ll 7-15) when the retransmission request signal has been received (M' must be determined when the request for retransmission is received in order for data of L-symbol to be divided into M-number of pieces, page 2, Il 7-15 and page 13, Il 5-9), (M'-number of multiplier circuits 9-1 to 9-M') further multiplexes parallel signals generate transmission packet (M'-multiplexed signal) for retransmission (page 2, ll 10-15 and page 13, ll 9-18), and outputs the transmission packet to the base station (one base station, page 1, 11 20-23 and page 2, 11 10-15).

Allowable Subject Matter

- 6. Claims 1, 9, and 23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
- 7. Claims 2-8, 10-15, 17-22, and 24-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

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8. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The

examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima October 6, 2004

~ **M**S CHAU NGUYEN
EXAMINER

SUPERVISORY PATENT LOSSON TECHNOLOGY CENTER 2600